

**From:** William R. Mussatto  
**To:** Microsoft ATR  
**Date:** 1/23/02 3:01pm  
**Subject:** RE: Proposed Settlement

I believe the proposed settlement would encourage Microsoft to continue the behavior for which it has been found guilty.

Requiring Microsoft to provide its software to schools would put the schools at its mercy since it can, at any time, render the software and hardware obsolete and unsupported. It has just done this with Windows 95 (interestingly, just after the courts removed breakup as a remedy). My recent upgrade from windows 95 to windows 2000 require extensive replacement of hardware, even though the test program, provided by microsoft assured me that no hardware upgrades would be required. Reverting to windows 95 was not an option unless I completely reformatted the hard drives. Do we want to put schools through this?

Schools are one of the few areas where Microsoft faces significant competition. The proposed settlement would allow them to increase their marketshare, thus further rewarding their monopolistic behavior.

A better alternative would be to require the company to fund the computers and allow them to chose between Microsoft's competitors, specifically excluding Microsoft software. This would compensate the competitors and increase, not decrease future competition.

Unless the performance part of the settlement includes provisions to specifically block the kinds of integration which was found to be in violation of law (i.e., browser, and in the case of XP sound and multi-media) Microsoft will continue to use its desktop monopoly to extend its reach into the area of servers. They should be required to recall XP and remove this integration, since the OS was built after they had been found guilty of the initial breach. Failure to do so again is rewarding their continued illegal activity.

The company I work for hosts web sites. The various flavors of Internet Explorer (beginning with 4.x) have difficulty connecting to a non-microsoft secure web server (in our case apache-SSL). This is because they fail to follow internet standards for this connection (timingout early, or late depending on the version). Rather than reporting that the browser failed, they report that the web site is down. I find it interesting that this failure only effects web severs who pose a significant threat to Microsoft's ability to expand into the server market.

When faced with an adverse court ruling in their case with Sun concerning java, they stopped supporting a common standard when the courts ruled that they could NOT manipulate the standard to increase their market

share but had to compete on a level playing field.

I hope that you will take this into consideration.

The opinion expressed are my own and in no way reflect those of my employer. I can be reached at 276 E. Green St. Claremont CA 91711.

You are specifically enjoined not to release any personal information to a non-DOJ party. Thank you.

Sincerely,

William Mussatto, Senior Systems Engineer  
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